

## GOVERNMENT OF ANDHRA PRADESH

### ABSTRACT

Public Services – Treasuries and Accounts Department – Karimnagar District – Allegations made by Sri K.Seetharamaiah, STO (U/s) against the District Treasury Officer and Staff of the District Treasury Karimnagar - Irregular pay fixations under 6(g) (i) of principles of pay fixation of the RPS-1993 in respect of (7) STOs of Karimnagar District and pecuniary loss caused to the Government - Disciplinary proceedings initiated against Sri S.M.P.M.Hashmi, STO (Retd) - Imposition of a punishment of withholding of 5% pension for a period of one year under Rule 9 of A.P. Revised Pension Rules, 1980 – Orders – Issued.

### FINANCE (ADMN.I.VIG.) DEPARTMENT

**G.O.Rt.No. 3519**

**Dated:30-07-2010**

**Read the following:-**

1. DTA Lr.No.K (II)6/3985/2002, dt. 25-10-2004.
2. DTA Lr.No.K(II)6/3985/2002-1, dt.24-03-2005.
3. G.O.Ms.No143, G.O.Rt.No.2095, Fin(Admn.I.Vig)Dept dt.07.06.2005.
4. Statement of defence of Sri S.M.P.M.Hashmi, STO (Retd) dt.17.10.06.
5. G.O.Rt.No.1614, Fin (Admn.I.Vig) Dept., dt. 03-04-2007.
6. DTA Lr.No.KII(6)/3985/2002, dt. 19-04-2008 along with Inquiry Report of Smt. Yasmeen Sultana, Chief Accounts Officer, O/o. the Commnr. of Printing, Stationery and Stores Purchase, Hyderabad vide Lr.No.1213/CAO/Inquiry/2006-2007, dt.14-03-2008.
7. Govt.Memo.No.9146/148/A2/Admn.I.Vig/2005, dt:14-05-2008.
8. DTA Lr.No.K (II)6/3982/2002, dt.09-02-2009 along with explanation of Sri S.M.P.M.Hashmi, STO (Retd),02-01-2009.
9. Govt.Memo.No.9146/148/A2/Admn.I.Vig/2005, dt:17-11-2009.
10. DTA Lr.No.K(II)6/3985/2002, dt:27-03-2010 along with explanation of Sri S.M.P.M.Hashmi, STO (Retd), dt. Nil.
11. Govt.Memo.No.9146/148/A2/Admn.I.Vig/2005, dt:11-05-2010.
12. DTA Lr.No.K(II)6/3985/2002, dt. 13-05-2010 along with proforma particulars of Sri S.M.P.M.Hashmi, STO (Retd) . (Retd.).
13. Govt. Lr.No.9146/148/A2/Admn.I.Vig/2005, dt.26-05-2010 addressed to APPSC.
14. Secretary APPSC Lr.No.793/RT-I/2/2010, dt:03-07-2010.

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### ORDER:

According to Rule 6 (g) (i) of A.P. Revised Scales of Pay 1993 Rules, when pay of the individual in the present post (higher or officiating) as fixed in the A.P. Revised Pay Scales, 1993 is equal or less than the pay fixed in the lower or substantive post his pay shall be fixed at a stage next to the pay fixed in higher officiating post. It implies that pay has to be compared in the present officiating post and lower post (substantive post) in A.P. Revised Pay Scales, 1993 and if the pay fixed in higher officiating post is less or equal to the pay fixed in lower post, the pay of the individual shall be fixed at a stage next to the pay fixed in higher post.

2. Further, in G.O. Ms. No. 351, Finance Dept., dt.15-10-1994 orders were issued inter alia vide Para (3) that where the pay of Government Employee in the Special Grade Scale as fixed in the A.P. Revised Pay Scales, 1993 is equal or less than the pay fixed in the ordinary grade scale in A.P. Revised Pay Scales, 1993, his pay in the higher post (Special Grade) shall be fixed at the stage next above the pay fixed in the ordinary grade scale on the analogy of Rule 6 (g) (i) of A.P. Revised Pay Scales, 1993 Rules. In view of the orders issued in G.O.Ms.No.162, Finance Dept., 20-5-1993 and G.O.Ms.No.351, Finance Dept., dt. 15-10-1994, in any case, the pay of the individual has to be compared between two categories only i.e. either G.O.Ms.No. 162, Finance Dept., dated 20-5-1993 or G.O.Ms.No.351, Finance Dept., dated 15-10-1994 whichever is applicable in each case; both the GOs cannot be applied to a single case.

3. In the references 1<sup>st</sup> and 2<sup>nd</sup> read above, the Director of Treasuries and Accounts has informed that DD,DT, Karimnagar has informed that Sri V.Babu Rao, Accounts Officer (Retd) and Sri S.M.P.M.Hashmi, STO (Retd) were responsible for making the irregular pay fixations of the STOs under 6(g) (1) at the District Treasury, Karimnagar.

4. Government initiated Departmental Proceedings against Sri S.M.P.M.Hashmi, STO (Retd) under Rule 20 of APCS (CC&A) Rules, 1991 vide G.O. 3<sup>rd</sup> read above. The following Article of Charge was framed against Sri S.M.P.M.Hashmi, STO (Retd).

**Charge:**

That the said Sri S.M.P.M.Hashmi, STO (Retd), while working as Sub-Treasury Officer, Karimnagar has approved the irregular Pay fixations under Rule 6 (g) (i) of principles of fixation of pay in RPS 1993 in respect of (7) STO's in the District Treasury, Karimnagar without the assistance of the Section Accountant. He misguided the District Treasury Officer and caused pecuniary loss to the Govt.

1. Sri Gulam Ali, STO (expired)
2. Sri B.Veeraiah, STO
3. Sri B.Sattaiah, STO
4. Sri B.Papaiah
5. Sri Syed Yousuf Ali, STO
6. Sri K.Rajesham, STO
7. Sri G.Chrisostham, STO

Thus he behaved in a manner unbecoming of Government Servant and violated Rule (3) of A.P.C.S. (Conduct) Rules 1964.

5. Sri S.M.P.M.Hashmi, STO (Retd.) in his defence statement stated that the pay of the Govt. Employee in a higher officiating or temporary post as fixed in the A.P. Revised Pay Scales, 1993 is less than or equal to the pay fixed in the lower post, his pay in the higher post shall be re-fixed at the stage next above his substantive pay in the lower post. The pay fixations of the individuals were already stepped up on par with Sri Md. Saleem Raza and Sri G.V. Sharman, Senior Accountants and excess amounts paid have also been recovered from them. The Govt. orders referred to have no relevance to the charge framed against him since all the above Government orders related to stepping up of pay of senior on par with his junior as he has not dealt with these cases. Therefore, he has requested to drop the charge on the above grounds.

6. After examining the explanation of the Charged Officer, Sri S.M.P.M.Hashmi, STO (Retd), Government ordered for regular inquiry by appointing Smt.Yasmeen Sultana, Chief Accounts Officer as Inquiry officer and Smt.K.Vijaya Laxmi, Chief Accounts Officer, as presenting officer to inquire into the charges.

7.1 In the inquiry, the charge framed against Sri S.M.P.M.Hashmi, STO (Retd) was held proved. The observations/findings of the Enquiry Officer are as follows:

7.2. The Rule 6 (g) (i) benefit allowed by the Charged Officers in the RPS-93 in respect of (4) STOs namely Sri Veeraiah, Papaiah, Syed Yousuf, and G.Chrisostham is not correct and it has resulted in accrual of one extra increment to the individuals. In respect of Sri B.Sattaiah, the increment due on 1-7-92 was released twice, thereby one extra increment accrued to the individual.

7.3. Further, the benefit extended under Rule (g)(i) was cancelled and pay was revised. The arrears already paid were also recovered. Hence, there was a temporary loss to the exchequer.

7.4 The benefit of Rule 6(g) (i) was not allowed by the Charged Officers in respect of Sri K.Rajesham and Sri Gulam Ali. The benefit of

Rule 6(g) (i) in respect of these individuals allowed in routine course is found to be correct.

7.5. The irregular fixations under Rule 6 (g) (i) was a cumulative effect of irregular processing on the part of Sri SMPM Hashmi, STO who has processed the note thereby misguiding the DTO and non-verification on the part of Sri V.Babu Rao, DTO with reference to relevant GOs. In view of the foregoing observation, the charge is held proved both in respect of Sri V.Babu Rao, District Treasury Officer, Karimnagar and Sri SMPM Hashmi, STO (Retd.) Karimnagar.

7.6. Further based on the instructions of the RJD, increments were revised and released on the normal date of increment after step up. Actually, the same have to be released after one year from the date of stepping up. Hence the increments released on normal date based on the report of RJD III (Exhibit-IV) need revision till date of retirement and recoveries not to be effected upto 31-3-89 under the provision of Cir. Memo.No.15592/230/A1/FR.II/93 (Exhibit No.X).

7.7. The DTA, AP, Hyderabad vide Memo.No.D3/1472/04, dt. 30-4-2005 (Exhibit No.XI) issued in respect of G.Chrisosham, STO, directed that the step up should be allowed once in one category and on par with junior most only. Hence, the first step up allowed on par with Saleem Raza, STO has to be cancelled and step up should be allowed on par with Sri G.V.Sharma, junior most S.A. Hence the Charge framed against Sri V.Babu Rao, Accounts Officer (Retd.) and Sri S.M.P.M. Hashmi, (Retd.) STO, Karimnagar was held proved.

8. Sri S.M.P.M.Hashmi, STO (Retd) was issued a show-cause notice along with a copy of Enquiry Report vide reference 7<sup>th</sup> read above with a direction to submit his explanation on the findings of the Inquiry Authority. The Director of Treasuries and Accounts has furnished the explanation of the Charged Officer Sri S.M.P.M.Hashmi, STO (Retd) vide reference 8<sup>th</sup> read above. In his explanation, Sri S.M.P.M.Hashmi, STO (Retd) stated that:

- *The E.O's report clarified that he is not involved in the case in so far as S/S Gulam Ali and K.Rajesham, S.T.O's are concerned. As regards alleged irregular pay fixations, the E.O's report states without any firm basis that pay of the individuals in RPS, 1993 has to be compared only in two 'categories' of higher and lower posts. There is no such condition in the G.O's referred to at page 8 of the report. On the contrary, as per para 5 of G.O.(P) No. 162, F&P dated:20-05-1993, the Government employee can exercise his option in respect of each of the lower posts which he would have held on that day but for his holding higher posts. This rule position highlighted in his statement of defence dated 17.10.2006 has not been taken into account by the E.O. The question of interpretation of a Government Order rests with the Government only and not any of the subordinate officers and much less by an E.O. Therefore, he still contends that he has followed the rule, in fixing pay in each of the lower categories.*
- *He further contended that the pay fixation statements under 6(g) (i) and note files not been seen by either the Presenting officer or Enquiry Officer, in which he has taken into account two categories only except Sri Veeriah, S.T.O. This important aspect has missed attention of the E.O/P.O. The pay fixation of Sri B.Sathiah, S.T.O. was done correctly. In her 'findings' at page 11, the E.O. has stated that one extra increment due on 01.07.92 was released twice, thereby one extra increment accrued to the individual. This contention does not appear to be correct when the provision of para 6 of G.O.(P) No. 114, Finance & Planning (FW.PC.I) Deptt.,dated:11.08.1999 which has been adopted in subsequent pay revision also, is kept in view, in which case allowing of the increment under RPS 1993 is in order. The Enquiry Officer in her report has stated that acting on behalf of the disciplinary authority, the presenting officer stated that the pay*

*fixations done, the S.T.O is not responsible in this issue as he has only regulated increments correctly which were released irregularly by his predecessors and excess payment made to the individual (Sri K.Rajesham) was recovered. This is the case with all the 5 STOs (except S/S Gulam Ali and Sri K.Rajesham) in which he has done the fixation taking the pay fixation already done earlier in Proceedings No. A1/8913/93, dated: 12.04.1999 and recoveries ordered. This is exactly the reason why he urged in his statement of defence that the verification of File No.A1/8913/93, in which step down was done in respect of 30-40 employees of Dist. Treasury Unit, Karimnagar and Sri K. Seetharamaiah was the case worker, as this will clear me of the charge.*

9. After careful examination of the explanation of the Charged Officer it is observed that the erroneous Pay fixations done by the Charged Officers were cancelled and recoveries were made from the concerned employees. The actions of the charged officers were not deliberate and intentional. There is no loss to the exchequer. The Enquiry report and the explanations of the Charged Officer, prove that no malafide can be attributed to them. However, their explanations do not mitigate the irregularities committed by them. The Enquiry Officer has proved the charges framed against them substantially in the inquiry without any doubt. The Charged Officers have failed to adhere with the orders issued by the Government in respect of pay fixations in the Revised Pay scales, 1993. Therefore, Government came to a provisional conclusion to impose a punishment of withholding of 5% of pension for one year against him under Rule 9 of A.P. Revised Pension Rules, 1980 and issued a final show-cause notice to him vide reference 9<sup>th</sup> read above.

10. The Charged Officer, Sri S.M.P.M.Hashmi, STO (Retd) in his explanation at reference 10<sup>th</sup> read above, has requested to issue clear clarifications on “Para No. 5(4) principles of exercising option” and 6 (g) (i) of principles of fixation of pay in each and every PRC so that due to wrong interpretation of rules no more injustice be done to any other sincere Government employee in the absence of clear instructions. **Therefore, he has requested to issue speaking order in the matter considering his explanation as per rules and comparing it with the Enquiry Officer report which is based on her self interpretation, wrong and inappropriately to his disadvantage with a view of holding the “charge proved” gone out of the actual charges framed against him and drop the punishment proposed against him.**

11. Government, after careful examination of the Articles of Charge framed against Sri S.M.P.M.Hashmi, STO (Retd.), his written statement of defence, findings of the Inquiry Officer and his explanations on the findings of the Enquiry Officer and to the final show-cause notice and other relevant material on record found that wrong pay fixations were done by the Charged Officer due to misinterpretation of the Government Orders issued in G.O.Ms.No.162, Finance Dept., 20-5-1993 and G.O.Ms.351, Finance Department, dt. 15-10-1994. The Charged Officer being a case worker and having enough experience in the Pay fixations of treasury employees in the District Treasury Office have to guide the superior officers in the principles of pay fixations. If he has any doubt, he has to bring the same to the higher authorities and get clarification from the Director of Treasuries and Accounts or Government. The charge framed against him was substantially proved in the inquiry without any doubt. The Charged Officer has failed to adhere with the orders issued by the Government in respect of pay fixations in the Revised Pay scales, 1993. Therefore, Government came to a provisional conclusion to impose a punishment of withholding of 5% pension for one year on the Charged Officer, Sri S.M.P.M.Hashmi, STO (Retd) under Rule 9 of A.P. Revised Pension Rules, 1980 and referred the matter to the Andhra Pradesh Public Service Commission, Hyderabad for their concurrence vide reference 13<sup>th</sup> read above.

12. The A.P. Public Service Commission, Hyderabad in their letter 14<sup>th</sup> read above, have concurred with the proposal of the Government for imposition of a punishment of withholding of 5% pension for one year on the Charged Officer Sri S.M.P.M.Hashmi, STO (Retd).

13. Government accordingly, hereby impose a punishment of withholding of 5% of pension for one year on the Charged Officer, Sri S.M.P.M.Hashmi, STO (Retd) under Rule 9 of A.P. Revised Pension Rules, 1980.

14. The Director of Treasuries and Accounts, Hyderabad shall take necessary further action in the matter accordingly.

15. The G.O. is available on Internet and can be accessed at the address <http://www.goir.ap.gov.in>.

**(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)**

**L.V.SUBRAHMANYAM  
PRINCIPAL SECRETARY TO GOVERNMENT (FP)**

To

The individual through Director of Treasuries and Accounts, AP, Hyderabad.

The Director of Treasuries and Accounts, AP, Hyderabad.

Copy to:

The Secretary, A.P. Public Service Commission, AP, Hyderabad.

The Secretary, A.P, Vigilance Commission, Secretariat, Hyderabad.

SF/SC.

**:: FORWARDED BY ORDER::**

**SECTION OFFICER**